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EXAMINER

VU, TUAN A

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2193

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/741,219	Applicant(s) BOSWORTH ET AL.	
	Examiner Tuan A. Vu	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Applicant's response filed 2/1/2007.

As indicated in Applicant's response, claims 1, 11, 21 have been amended. Claims 1-21 are pending in the office action.

Claim Objections

2. Claims 1, 11, and 21 are objected to because of the following informalities: The phrase 'unnested data processing cell with respect to each other' appears to be improper use of language, or worse, a new subject matter, and requires syntactic adjustment to be commensurate with the original Specifications. Specifically, in the examples of markup language shown (Specifications, pg. 6-8, 12), the cells described as effectuating a computation order are seen as being what appear to be standard nested tag specifications. Lacking a deliberate definition of the term 'unnested' anywhere (the term *nest* not mentioned once) in the disclosure, it would be impossible to give such phrase 'unnested ... with respect to each other' a meaning that would be reasonably different from what is observed from the nested cells of the above examples or any standard XSL or markup format, particularly in the sense that these unnested cells strictly depend one another as claimed. In the context of the Disclosure, only the examples convey some semblance of markup nesting; but examples as shown cannot be representative of the claimed invention alone since they are mere variances of more than one embodiments unless the disclosure specifically indicates otherwise. As recited, the cells distinguish from each other in that some cell includes a dependency specification (or processing order) so that the processing of the first cell is being done prior to processing another (second) cell; that can be seen from the examples or in any markup hierarchy or in Fig. 1 of the Drawings. However, the claimed 'first

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processing cell' and 'second processing cell' are recited in the sense that they equally include *(each data processing cell specification having)* an action or a formula, such that the first data cell having dependency on the second cell, and to be analyzed before the second cell. The limitation would be interpreted as though both cells are having equal specification type indicative of action/computation formula and that they distinguish from one another by the fact that one first cell dictates a order dependency (on the second) the realization of which is done only by processing the second cell after the first cell. Accordingly, the text related to Fig. 1 does not make it clear whether cell 106 also has a formula specification (related to an order of execution), nor does it teach explicitly that cell 106 is under the hierarchical scope of cell 104 (whether nested under or distinct in scope). The Specifications' examples in pg. 6 describe standard markup which teaches that cells are parsed one ahead of another, the subsequently processed cells would resolve the data called for in the earlier tagging scope. This describes that cells both include specification action formula, and/or an order that needs to be respected for one cell specification to be resolved via a lower hierarchy cell, some of which being included under another's scope; or separately distinct in their own tag scope. Whether the cells, recited as equally containing formula/action, are not nested inside one common scope or separate from one another's scope (which is required from the claim), it is unclear or not explicit from the description, at least by way of reading the text explanation. Normal hierarchy of tags in a XSL based language teaches a mixture of action tags nested within various sub-scopes but all nested under higher scope tags, the higher scope tags most often including specification requiring a parsing order, rendering it very hard to discern when 2 action/formula tags (e.g. value-of select) tightly require that one should be parsed and executed first before the following formula would

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be, in the unlikely setting that they are apart in their own scope. Figure 1 and page 7 describes cells for attributes (embedding a cell formula) and cell output; but it is still indefinite (in view of mapping to the limitation as claimed) that both cell 108 (including cell 104) and cell 106 are not nested in the scope of one another or CLEARLY distinct from one another in tag scope; that is, despite the language of the claim, the disclosure only teaches cells with data specification that the processing/reading of one can only be resolved when the processing of the subsequent cell is effectuated, i.e. a specification of standard markup language. The limitation so that these very cells are being unnested with respect to one another can be only partially inferred or guessed via exerting effort in imparting/extracting some implicit insights (or reconstructing parts) based on reading the examples. A disclosure cannot be fulfilling description of an invention in terms of USC 101 requirement just be way of examples alone, unless otherwise specified or declared accordingly. This *unnested* particularity is not conveyed in sturdy, explicit text and repeatable manner from scanning the Disclosure; that is, conveyance from, *inter alia*, any example in pg. 6, 7 or Fig. 1 that would sturdily enforce that the first cell and the second cell are to be mutually unnested cell specifications. Suppose that the encompassing cell <sheet> (see example pg. 7) is processed first and includes within itself specification that requires order for parsing/executing (by virtue of markup hierarchy parsing), would it be reasonable to conclude that <sheet> which also specifies an action order be same as second cell <name=setup> which also includes a action? But from there to conclude that <sheet> is unnested from <name=setup> would be incorrect. Moreover, <xcell name=setup> (see Specifications, pg. 7) requires an order to be respected as name=setup is to be resolved first, then the enclosed <value-of select> formula cannot be construed as unnested in regard to <name=setup>. Further, if <value-of select> is a

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action cell and that hypothetically, another <value-of select> is required somewhere else in the example of pg. 7, it is deemed that both such cells equally contains an action formula; but that does not necessarily represent the claimed scenario (*data dependency*) that the first 'value-of select' tag would dictate a resolution order forcing the second 'value-of select' tag to be processed in order for the first 'value-of select' tag specification to be resolved. There is too much speculation and guessing by just reading the examples, requiring undue interpolating the effects of what is not literally recited or graphically depicted, in light of interpreting what is recited. In this objection, it is noted that reading the claim for an understandable construction of teaching cannot be entirely supported by the disclosure, notwithstanding the extra reading-between-the-lines as set forth above; nor the lack of stability of information based on analyzing the internal of the Specs examples can qualify those examples as being representative of the claimed 'unnested' limitation. That is, it is not sure if the examples represent the disclosure as a must; and if even so, the questions would be: Do all the cells that have action formula necessitate a related order of dependency? would the outside or global scope tag/cell be qualified as completely definitely devoid of any trace of a formula (or order for parsing) that would disqualify them as mutually unnested cells, leaving the mutually unnested characteristic to only those cells that contain a formula inside? The disclosure distinguishes cells (see Specifications: pg. 7-13) and teach about a order of execution derived from parsing the formula inside some cells prior to executing subsequent formula in latter cell processing; but absent is a clear nesting correspondence or relationship for those cell as they are depicted that would clarify the requirements of the claim language. The language of the claim does not have reasonable support from the Specifications and/or otherwise entails too much reading (for one skilled in the art

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making use of the Invention) into the examples and stretching for one variance thereof. When the claim is unclear it would be interpreted in light of the Specifications; however, the disclosure will not be read into the claims; and even though it would be treated to help clarify the claim like in this case, the disclosure is deemed insufficient and the claim language used seems stretched beyond the Specifications as in a **new matter**. In other words, as scanned in order to support the claimed 'dependency order' combined with 'each cell ... having ... formula' enforced by the 'unnested with respect to each other', the Specifications cannot reasonably corroborate with the above combined requirements, unless the Specifications were to be modified so to include only a restricted aspect of the examples (instances wherein cells are not nested) to represent the claimed invention, a hint bordering on newly added subject matter. In view of the above deficiency, the claimed 'unnested' limitation would be treated as (i) two formulas cells (e.g. value-of select) that do not require an execution sequence/order OR (ii) two markup cells enforcing some order of resolution in that at least one has some specification requiring an action provided by the other, none of which cells necessarily separate from the scope of the other; because when their dependency is defined their scope intertwines, thus the nesting connotation must exist, i.e. the *unnested* limitation as claimed given very little patentable weight. Some language of the claim or of the Disclosure is to be corrected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims 1, 11, and 21 recite 'unnested with respect to each other'. Even if the Specifications were to be read into the claims, which is normally impermissible, the limitation as above recited lacks support from the cell specifications in the described context of a action formula and order of processing throughout the disclosure. This deficiency has been explained at length in the Claims Objections; and would not be repeated here. For absence of explicit and reasonable depiction of what constitutes *unnested with respect to each other* in light of the cell dependency order and the computation formula, one skilled in the art would deem that at the time the invention was made the Inventor has no possession of the following claimed paradigm: first and second cell specifications, un-nested with respect to each other, each including action formula, and processed in a dependency order specified in the first cell such that the execution order for processing the first cell has to be prior to that of the second cell. Because of such lack of disclosure, it appears as though the above limitation is derived solely on some aspects or variances of the markup specification examples; and since there is no definite statement enforcing that only one specific aspect of the example epitomize the invention, the crux of the claimed invention has to be based on the description in the Disclosure as a whole, not just an example or variance thereof, about which the above combination of features is deemed absent or not sufficiently described. The claimed limitation will be treated as follows: (i) two formulas

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cells (e.g. value-of select) that do not require an order of dependency; (ii) two markup cells enforcing some order of resolution in that at least one has some specification requiring an action provided and defined by/in the other, none of which cells necessarily separate from the scope of the other; because when their dependency is defined their scope intertwines, thus the nesting connotation must exist; i.e. the *unnested* limitation as claimed given very little patentable weight.

Dependent claims 2-10, 12-20 are also rejected for failing to teach the combined teachings entailed from the above independent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8-16, 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Renner et al., USPN: 6,993,657(hereinafter Renner)

As per claim 1, Renner discloses a method of computing, comprising:

receiving at execution time (e.g. *XSL sheets, statements* - col. 39, line 62 to col. 42, line 34), a data processing specification having a first and a second data processing cell specification, unnested (with respect to each other), specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation (e.g. Table 4, col. 38:

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<...METHOD="POST" ACTION= "dca.dca_forum_data.set_args"> xsl: apply-templates select=...> lines 16-18; *xsl: value-of select* - lines 26, 34, 38, 40) the first data processing cell having a data dependency on the second data processing cell (e.g. Table 4, col. 38-39: first cell: line 33, 36, 39; second cell: lines 34, 37, 40 – Note: *fieldname*, *fieldlbl*, and *fieldval* depend on *@name*, *@label* and *@value*, respectively), and specified in a manner to be analyzed before the second data processing cell (Note: line 33, 36 processed before line 34, 37);

analyzing in real time, the first and then the second data processing cell specification to determine execution order of said actions/computations specified by said first data processing cell specifications, based at least in part on interaction or computation references between said actions or computations specified (e.g. col. 38, line 28 to col. 42, line 34 – Note: using statements and formula/action inside xsl statement tags to effectuate HTML reads on analyzing and determine order of execution based on tag sequencing of specifications therein); and

effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications (e.g. col. 41, lines 42 to col .42, line 19; col 43, lines 19-50- Note: SQL calls or POST method and variable processing with value substitution thereto reads on effectuating specification according to order of execution).

As per claim 2, Renner discloses each of said first and second data-processing cell specifications being delineated by a beginning and an ending data processing cell specification tag (e.g. *<xsl: ... />* - Table 4, lines 33, 34).

As per claim 3, Renner discloses wherein said first data processing cell specification has a formula referencing a value (e.g. *fieldval*, *@value*, *VALUE="{ \$fieldval}"* --Table line 39, 40, 54, respectively) of said second data processing cell specification.

As per claims 4-5, Renner discloses wherein one or both of said first and second data processing cell specifications comprise one or more attributes specifications specifying one or more attributes of the corresponding data processing cells(e.g. line 33, Table 4: *xsl: variable name=*, *xsl:value-of*; *TYPE= ...SIZE= ..CHECKED=*, line 54, line 64, table 4, col. 39); wherein the first data processing cell has a first attribute referencing a second attribute of said second data processing cell(Note: *name* is referencing a subsequent *value* attribute)

As per claim 6, Renner discloses wherein said second data processing cell specification comprises a reserved mnemonic for providing input (e.g. col. 39, TABLE 4, lines 54, 62, 67) to the data processing specified by the data processing specification.

As per claim 8, Renner discloses wherein said second data processing cell specification comprises a conditionally (e.g. col. 39, Table 4, lines 61, 66) executed formula.

As per claims 9-10, Renner discloses wherein said data processing specification further includes one or more global attributes (*<td width= ...align=right>* col. 39; line 80, line 54, line 64 -Table 4, col. 39) specifying one or more global processing characteristics for the specified data processing;

wherein said one or more global attributes include a global attribute specifying a format (*<FORM... </FORM>*, line 16-21; *name @type="text"*, line 26; *<...SIZE="15/>*, line 54; *<FONT ... * lines 74-75, TABLE 4, col. 38-39)for providing the specified data processing with an HTTP request.

As per claim 11, Renner discloses an apparatus comprising:

at least one storage unit having stored thereon programming instructions designed to:

receive at execution time, a data processing specification having a first and a second data processing cell specification, unnested -- with respect to each other (e.g. *XSL sheets* - col. 39, line 62 to col. 42, line 34), specifying a first and a second data processing cell, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation (e.g. Table 4, col. 38: <...*METHOD="POST" ACTION="dca.dca_forum_data.set_args"> xsl: apply-templates select=...> lines 16-18; xsl: value-of select - lines 26, 34, 38, 40),*

the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell (Note: line 33, 36 processed before line 34, 37),

analyze in real time (e.g. Table 4, col. 38-39: first cell: line 33, 36, 39; second cell: lines 34, 37, 40 – Note: *fieldname*, *fieldlbl*, and *fieldval* depend on *@name*, *@label* and *@value*, respectively), the data processing specification to determine an execution order of said actions/computations specified by said first and second data processing cell specifications, based at least in part on interaction or computation references between said actions or computations specified (e.g. col. 38, line 28 to col. 42, line 34 – Note: using statements and formula/action inside xsl statement tags to effectuate HTML reads on analyzing and determine order of execution based on tag sequencing of specifications therein), and

effectuate the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said

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first and second data processing cell specifications (e.g. col. 41, lines 42 to col .42, line 19; col 43, lines 19-50- Note: SQL calls or POST method and variable processing with value substitution thereto reads on effectuating specification according to order of execution); and at least

one processor coupled to said at Least one storage unit to execute said programming instructions (e.g. Fig. 1).

As per claims 12-16, and 18-20 these claims correspond to claims 2-6, and 8-10, respectively; hence are rejected with the corresponding rejection as set forth therein.

As per claim 21, this is a 'means-plus-functions' version claim corresponding claim 1, and comprises means for:

receiving at execution time (a data processing specification having a a first and a second data processing cell specification, unnested --with respect to each other...);

analyzing in real time (the data processing specification to determine an execution order...)' and

effectuating (the data processing specified by the data processing specification in accordance...); all of these steps having been addressed in claim 1.

Hence, these limitations are herein rejected with the corresponding rejections as set forth therein.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renner et al., USPN: 6,993,657, as applied to claims 1, 11; in view of W3C, 'XML Path Language (Xpath)' and 'XSL Transformation (XSLT) Version 1.0; *W3C Recommendation 16 November 1999*, respectively < <http://www.w3.org/TR/1999/REC-xpath-19991116> > and < <http://www.w3.org/TR/xslt>> (hereinafter W3C – submitted in previous Office Action).

As per claim 7, Renner discloses XSL cells having dedicated input specifications (re claim 6) as these are defined via means of XML and the user's template; and further teaches providing or presenting in response to user's input required components, components for the build or a forum evaluation; or/and push back to the user's interface (e.g. Fig. 5A, 5D; step 689 – Fig. 6c; step 740 -Fig. 7; Fig. 8-9; *configuration information, necessary software* - Fig. 12B) but does not explicitly teach that said style sheet first data processing cell specifications has a reserved output cell/template specification specifying output for the data processing specification. The use of XSLT specification language to provide a reserve cell in a template for output is disclosed by W3C (e.g. *xsl: output, xsl: output method* – pg. 9-10; chp. 16.1, 16.2 pg. 79-80). Since the methodology of using XSL methodology by Renner incorporates the features by W3C and Renner's approach is using XML/XSL format via users request (Table 4) converting input into database request returns into the building interface, it would have been obvious for one of ordinary skill in the art at the time the invention was made to provide Renner's use of W3C and style sheets specification so that dedicated XSL field or tags are reserved to define output specifications as taught by W3C. One of ordinary skill would be motivated to do this because of the interactive nature of Renner's build having the user to assess

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data being returned from a request; and using XSL output cell dedicated specifications as by W3C would support the correctness of data conveyed in HTML form as they are returned into Renner's building/forum or customer service communication scenario (see Fig. 6C-D, Fig. 9, Fig. 10; col. 12, line 7 to col. 13, line 7) in that the user can assess the correct format via this output cell specification according to mime format and text/character type as mentioned by W3C in such that every build interface and submitted data field is appropriately addressed (see Renner Fig. 5C-D).

As per claim 17, this claim corresponds to claim 7; hence is rejected using the same rationale as set forth therein.

Response to Arguments

9. Applicant's arguments filed 2/22/07 have been fully considered but they are not persuasive. Following are the Examiner's observations in regard thereto.

Claims Objections:

(A) The amendments concerning clarifying the *unnested* limitation appears to be unsupported by the Disclosure; simply because there is no teaching in reading the Specifications that clearly sets forth the following teaching: first and second cell specifications, un-nested with respect to each other, each including action formula, and processed in a dependency order specified by the first cell such that processing the first cell has to be prior to that of the second cell. The only cells hierarchy presented comes from examples of markup specifications; and action formulas are the likes of 'value-of select' tag specification. In the event that the Example in pg. 7 is representative of what appears to be claimed, there is no clear paradigm in which two disjoint 'value-of select' would be such that the first such formula is construed as containing a

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dependency specification (emphasis added) whereby first cell data content (first value-of select) is resolved or executed in a required order which forces its execution prior to executing the following 'value-of select', at least not according to the standard use of markup language of cell <value-of select>. Further, if the global tag cell like <xcell name=setup> (see Specifications, pg. 7) requires an order to be respected as name=setup is to be resolved first, then the enclosed <value-of select> which also specifies an action of a lower order of execution, does not appear to be unnested at all from the global scope of <name=setup>. There is too much uncertainty in the examples in order to ascertain that the Examples support the claim. Hence, among other issue, the claim objection is maintained.

USC §102(e) Rejection:

(B) Applicants have submitted that Renner uses XSLT to transform XML into HTML and does not teach data processing cell specifications, 'unnested with respect to each other', the first data processing cell having data dependency on the second processing cell, and specified to be analyzed before the second processing cell (Appl. Rmrks, pg. 8, middle, pg. 9, top). The concept of 'unnested' is not treated with a particular weight to consider because as earlier addressed in the CLAIMS OBJECTIONS, the cells are treated as *unnested* only to the extent that they are distinct from each other so that one cell provide specification suggestive/indicative of a possible action (e.g. data retrieval) to be taken, the realization of which is provided in another cell. And the cited parts of Renner shows evidence that one cell specifications (first cell specification) indicate the need to provide data retrieval, the implementation of which is included in another cell (second cell specification); and the examples show value-of and *variable*, respectively. The Renner markup language reads exactly on specification of cells wherein the

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dependency of data from a first specification requires action taken inside specification of a second specification, so that the order of processing can only go from the first to the second, not the opposite direction. And this fulfills the above limitation of data dependency, which is analyzed by a runtime engine parsing any markup language. The processing of data for such dependency is therefore 'based at least in part on interaction or computation **references**' between the 2 specifications; that is any references from a first cell (e.g. variable) would serve as basis (entirely or partially) for interaction or computation which is realized (e.g. value-of select) by means of the specification in the second cell. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(C) Applicants have submitted that <xsl:value-of .../> tags are always nested within the <xsl:variable/> tags; and the unnested limitation is not shown in Renner's Table 4 (Appl. Rmrks, pg. 9, middle and bottom). Applicants would have to be referred back to the CLAIM OBJECTIONS and the use of <value-of select /> inside the examples of the Application disclosure at page 7 to see if this tag is absolutely unnested from another <value-of select> in a manner that would make it 100% distinct from Renner's similar use of tag. If <value-of select> as designed by W3C standard requires that it be processed subsequent to another specification definition, the mere processing of another tag previous to executing <value-of select> reads on both pg. 7 teaching and Renner's teaching. However, as set forth in the Claim Objection, there could not be mutual dependency just within co-existing 2 <value-of select> which appears to be the case from interpreting the claim. The operation provision under the form of <value-of

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select> although used in a distinct context from another <value-of select> does not enforce a order dependency therein that would necessitate one or the other <value-of select> to be executed first, because they are designed to compute data belonging to different scope. The claim recites first and second cell including each an operation formula such that the order execution is defined in the first and enforces its (the first cell) being processed before the execution of the second cell. Two coexisting <value-of select> in the Table 4 by Renner does not depend one another yet they belong to different subtrees of the markup hierarchy of table 4. Since <value-of select> specifications is also disclosed in the Specifications, pg. 6-7, it is treated as behaving as a standard <value-of select> just like one of those provided by Renner, hence, the dependency order specified in any first <value-of select> cannot be interpreted as enforcing a subsequent <value-of select> to be processed in the order imposed by the first <value-of select>, absent any teaching from the claim and from the Specifications as to distinguish it otherwise.

According to W3C protocol of writing markup language, tags are designed under a paradigm that is analogous to a tree; and as such, all tags are nested within a certain level of hierarchy under the root of a tree.

It is reminded that the 'unnested with respect to each other' is not given patentable weight because of the lack of disclosure. The claims as recited has been interpreted as though the cells are processed based on some specification internal to each cell that requires a processing order (*); and when two having an formula specification, they are represented in two distinct scope, i.e. their being mutually unnested requirement does not apply. The argument about Renner's tags being not really unnested is not convincing in light of the above. The

argument about data dependency of the first cell relative to the second cell has been met based on the rejection and explained in section A.

The dependency order as in (*) in question is a feature considered well-known in the way a XSL parsing should effect; and Renner has shown plenty of such cells dependency that can only be processed in a specific direction, concerning which Applicants again are referred to the markup specifications in the Specifications to demonstrate in factual manner how the cell specifications therein (see Specifications, pg. 6-8, 12) would particularly require a different processing order than that in Renner's XSL processing, notwithstanding the rejection set forth in the USC 112, 1st paragraph.

(D) Applicants have submitted that in Renner nowhere is teaching 'analyzing ... first and then second data processing cell specification to determine execution order' (Appl. Rmrks, pg. 10, top). The order determining is inherent to a parsing engine such as the one of a XML, a HTML or a XSL engine; because without such determining the parsing engine would operate as a blind engine. The concept of generating a markup tree by a parser so to establish relationship and data dependency has been always understood; and the W3C language specifications falls under this tree parsing basic concept, rendering the order determination a must step in Renner's XSL specifications and processing engine. Since the claim language is lacking in details how analyzing a first cell prior to a second cell would be particularly different from the cell specification by Renner, Applicants again are referred to the cell specifications listing in the Specifications to show corroborating evidence as how the < value-of ... /> specifications therein (see Specifications, pg. 6-8, 12) would particularly require a different order determination than that in Renner's XSL processing, just for the sake of argument. As it stands, the claim does not

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provide sturdy teaching to would otherwise show that Renner's tags would necessarily be processed in a different order as interpreted from the claim. Moreover, since the effect of the term *analyzing* seems to be at stakes, it is noted that this term amounts to a superficial nomenclature exposed to broad reasonable interpretation, absent any specific step action in the claim to ascertain how this 'analyzing' is being implemented. The parsing engine (in Renner) by going through each and every atomic constructs of a tagged content, does establish what is termed as *analyzing*. And the argument about Renner not disclosing such analysis or *determination* (Appl. Rmrks, pg. 10, bottom) would be considered non-persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

USC 103(a) Rejection:

(E) Applicants have submitted that the Xpath and XSLT documents by W3C do not remedy to the deficiency of Renner (Appl. Rmrks, pg. 11, middle). The argument is founded on Renner's deficiency, and has been proven to be insufficient as per the above sections.

The claims stand rejected as set forth in the Office Action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

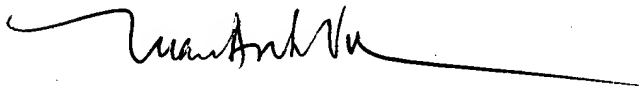
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

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The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan A Vu
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Art Unit 2193
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